

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

FILED
U.S. DISTRICT COURT
NEW ALBANY DIVISION

11 MAY 12 AM 8:33 *JB*

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

D. LEE HARBULA,)
2216 Highland Center Road)
Brookville, Indiana)

Plaintiff,)

vs.)

AMERICAN ELECTRIC POWER)
800 AEP Drive)
Lawrenceburg, Indiana)

Defendant.)

Case No.

4 : 11 -cv- 054 RLY -WGH

COMPLAINT UNDER TITLE VII FOR DISCRIMINATION

Plaintiff brings a complaint against defendant American Electric Power from violation of the Americans with Disability Act and the Age Discrimination in Employment Act.

Plaintiff does demand a jury trial.

I. PARTIES

Plaintiff's Name, Address and
Phone Number:

D. Harbula
2216 Highland Center Road
Brookville, IN 47012
(765) 647 - 2928

Defendant's Name and Address

American Electric Power
800 AEP Drive
Lawrenceburg, IN 47025

II. JURISDICTION

1. This complaint is brought pursuant to 42 USC 12101 et. seq., and 29 USCS 621 et. Seq. Jurisdiction is based on 42 U.S.C. §2000e-5 and 28 U.S.C. §1331.
2. Plaintiff did timely file a charge of discrimination with the Equal Employment Opportunity Commission (Attached as Exhibit 1).
3. Plaintiff's Right to Sue Notice from the Equal Employment Opportunity Commission was received on or about February 18, 2010. (Notice of Right to Sue attached as Exhibit 2).

III. FACTS IN SUPPORT OF COMPLAINT

The facts on which this complaint is based are the following: Plaintiff was, at the time of his discharge, Fifty Seven years of age. He and one other employee who, also is an older employee, were selected out of seniority for discharge. The reason given was completely false. Plaintiff was informed that he could no longer serve because he had a physical disability. The only physician who gave him a complete physical examination and was a specialist in the supposed disability indicated he was not disabled.

IV. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because:

The facts show that the defendant deliberately and intentionally violated federal law under the ADEA and the ADA, and caused Plaintiff great harm as a result. Plaintiff should be permitted such relief as makes him whole again.

V. PRAYER FOR RELIEF

Based on the foregoing, plaintiff seeks the following relief:

Plaintiff requests all pay and benefits permitted by the statute including back pay and fringe benefits with interest; compensatory damages of pain, embarrassment, and humiliation; reinstatement, or in the alternative front pay for a reasonable length of time; attorney's fees; and all other reasonable relief that the Court may permit.

VI. AFFIRMATION OF PLAINTIFF

I, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in the complaint and that I believe them to be, to the best of my personal knowledge, true and correct.

Signed this 12th day of May, 2010.

A handwritten signature in black ink, appearing to read "D. Lee Harbula", written over a horizontal line.

D. Lee Harbula
Plaintiff Pro Se